

TENTATIVE AGENDA
STATE WATER CONTROL BOARD MEETING
THURSDAY, OCTOBER 3, 2002
HOUSE ROOM C, GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS, RICHMOND, VIRGINIA

Convene - 9:30 A.M.

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| I. | Minutes - February 8 and May 6, 2002 | |
| II. | Permit Terminations | Ferguson |
| | Traveler's Motel (SWRO) | |
| | Stuart M. Perry, Inc. (Winchester) (VRO) | |
| | Stuart M. Perry, Inc. (Berryville) (VRO) | |
| | Dynachem Technologies, Inc. (TRO) | |
| III. | Significant Noncompliance Report | O'Connell |
| IV. | Consent Special Order Cancellations | O'Connell |
| | White Packing Co., Inc. (NRO) | |
| | Honeywell International, Inc. (PRO) | |
| | Rehrig International, Inc. (PRO) | |
| | South Anna Service Corp. (PRO) | |
| | Virginia State Golf Association, Inc. (PRO) | |
| | Joseph Ziadeh (PRO) | |
| | Hardy Road STP (WCRO) | |
| V. | Southwest Regional Office | Sizemore |
| | Consent Orders | |
| | Pounding Mill Quarry Corp. | |
| VI. | West Central Regional Office | Dietrich |
| | Consent Orders | |
| | Martinsville Emulsion Products Co., Inc. | |
| VII. | South Central Regional Office | Henderson |
| | Consent Orders | |
| | Town of Blackstone | |
| VIII. | Northern Regional Office | Crosier |
| | Consent Orders | |
| | Noman M. Cole, Jr. Pollution Control Plant | |
| | Dahlgren WWTP | |
| | Evergreen Country Club STP | |
| | Middleburg Wastewater Treatment Plant | |
| | Dominion High School Complex, Loudoun Co. | |
| IX. | Piedmont Regional Office | Golden |
| | Consent Orders | |
| | Carpenter Co. | |
| | Andrew James, Jr. | |
| | DuPont Teijin Films | |
| | Honeywell International, Inc. | |
| | TA Operating Corporation | |
| | Hank Wilton d/b/a The Wilton Companies | |
| X. | Tidewater Regional Office | Daniel |
| | Consent Orders | |
| | Delaware Cornerstone Builders | |
| | Commercial Ready Mix Products, Inc. | |

City of Hampton and HRSD
Magnolia Run Apartment, L.L.C.
City of Portsmouth - Lake Kilby WTP
Royster-Clark, Inc.

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| XI. | Valley Regional Office
Consent Orders
Highland Oil Co., Inc., et al.
Ladd Convenience Center
Town of Mt. Jackson
S.I.L. Cleanwater, L.L.C.
Stonebrook Swim and Racquet Club
Valley View Mobile Home Court | Chewning |
| XII. | Regulations - Water Quality Standards - Tier III Waters | Gregory |
| XIII. | Regulations - Proposed
Wastewater Reclamation and Reuse
Fees for Permits and Certificates | Choi
van Soestbergen |
| XIV. | Regulations - Final
General VPDES Permit - Storm Water Discharges | Tuxford |
| XV. | Regulations - Emergency
Virginia Financial Responsibility Requirements for
Tidal Dredging Mitigation Projects | Hooper |
| XVI. | Public Forum | |
| XVII. | Other Business
FY 2003 Revolving Loan Funding List
Future Meetings - December 11, 2002 and March 25, 2003
Other Business | Gills
Berndt |

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

1. REGULATORY ACTIONS (adoption, amendment or repeal of regulations): For regulatory actions, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

Comments on the regulatory action are not allowed at a Board meeting while a regulatory action is being processed in accordance with the Administrative Process Act. In rare instances the Board may (at a Board meeting) vote to reopen the public comment file on the regulatory action. If this happens, individuals may address the Board for up to 2 minutes on material previously submitted to the Board. Should the Board decide to accept new information on a regulatory action, an additional

public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.

2. CASE DECISIONS (issuance and amendment of permits and consent special orders): The Board also makes case decisions. For case decisions, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing. If a public hearing is held, a summary of the public comments received is provided to the Board for their consideration when making the final case decision. Public comment is accepted on consent special orders for 30 days.

Comments on pending case decisions at Board meetings are only accepted when the Board is considering final action on the case decision. At that time the Board will allow up to 15 minutes for the applicant/owner to make his complete presentation on the pending decision. The Board will then, in accordance with 9-6.14:11 C, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 2 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. The Board will not accept new information at the meeting. Should the Board decide to accept new information, a public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.

No public comment is allowed on case decisions when a formal hearing is being held.

3. PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 2 minutes.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Additional Information: For additional information or questions on the adopted public participation procedures for regulatory actions and pending case decisions, contact Cindy M. Berndt at (804) 698-4378.

SUMMARY OF AGENDA ITEMS:

PERMIT TERMINATIONS: Traveler's Motel - The discharge is now covered by VPDES General Permit VAG400379. The owner has agreed to the termination of the VA0062413 permit. Stuart M. Perry, Inc., Berryville - The discharge from Stuart M. Perry - Berryville is now covered under VPDES General Permit No. VAG841050 for nonmetallic mineral mining facilities. Stuart M. Perry, Inc., Winchester - The discharge from Stuart M. Perry - Winchester is now covered under VPDES General Permit No. VAG841051 for nonmetallic mineral mining facilities. Dynachem Technologies, Inc.

REPORT ON FACILITIES IN SIGNIFICANT NONCOMPLIANCE

Nine major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant noncompliance (SNC) for the quarter ending June 2002. The facilities and their reported instances of noncompliance are as follows:

Town of Luray, Luray Sewage Treatment Plant VPDES Permit - The staff has requested that the Town provide a detailed plan of corrective action to address the referenced violations. The staff anticipates that the plan will be incorporated into a consent special order.

City of Alexandria, Alexandria Sewage Treatment Plant - The Authority is upgrading its sewage treatment plant as required by federal court order. Certain interim effluent limits (including total suspended solids and biochemical oxygen demand limits) apply to the plant as the result of a Virginia court order. During the period of upgrade the Authority's ability to perform certain maintenance tasks at the plant has been impaired due to space constraints resulting from construction. The staff of the Department's Northern Regional Office has requested that the Office of the Attorney General modify the Virginia court order to include interim limits that the plant can reasonably meet

while construction is ongoing. The facility was reported to EPA as an Exceptions List facility, having been reported as being in SNC for two or more successive quarters.

Department of Corrections, Coffeewood WWTP VPDES Permit - The Department of Corrections (DOC) is required, by an existing Executive Compliance Agreement, to address effluent limit violations at the facility. Originally DOC planned to extend the facility's outfall to the Rappahannock River to allow for increased pollutant discharge loading. DOC has abandoned this plan and is currently reevaluating its options. An Amended Executive Compliance Agreement has been signed that requires that DOC submit and implement an alternative plan of action to address the facility's violations.

Town of Purcellville, Purcellville STP VPDES Permit and Consent Special Order - A consent special order required the Town of Purcellville to complete upgrade of its sewage treatment plant by March of this year and to comply with permit effluent limits by May 2002. Due to unexpected delays the Town did not meet the referenced deadlines. However the Town did complete construction shortly after the required dates and is in compliance with permit effluent limits.

Fairfax County, Noman Cole STP VPDES Permit - The permit required the County to meet final effluent limits for ammonia by April of this year. Due to unexpected delays caused by a shortage of contractors in Northern Virginia, the County has not completed a necessary upgrade of the facility in time to meet the permit deadline. The County has executed a consent special order, which requires that it meet permit limits by January 2003. That order is to be presented at this Board meeting for your approval.

Town of Wytheville, Wytheville STP VPDES Permit - The Department's Southwest Regional Office staff have issued a Notice of Violation to the Town. Based on the Town's response to the NOV, staff will determine whether formal enforcement action is necessary.

City of Galax, Galax STP Consent Special Order and VPDES Permit - The Department of Justice filed suit against Galax on behalf of EPA seeking to have the referenced overflows addressed and a penalty paid. The Commonwealth of Virginia is named as a statutory defendant in the suit. The Department and Galax have reached a settlement in this matter. A court order incorporating the settlement is currently under review at Justice. The Department has requested the Attorney General's Office to seek to have Virginia listed as a plaintiff in the suit. The facility was reported to EPA as an Exceptions List facility, having been reported as being in SNC for two or more successive quarters.

Henrico County Sewage Treatment Plant VPDES Permit and State Water Control Law - The staff of the Department's Piedmont Regional Office have negotiated a consent special order with the County addressing the referenced violations. The order is to be presented for approval at next quarter's Board meeting.

Du Point Teijin Films, Du Pont WWTP VPDES Permit - The staff of the Department's Piedmont Regional Office have negotiated a consent special order with the company, addressing the referenced violations. The order is to be presented for approval at today's Board meeting.

CONSENT ORDER CANCELLATIONS – All items of the following orders have been completed: Virginia State Golf Association, Inc.; Mr. Joseph Ziadeh; Honeywell International Inc.; Rehrig International Inc.; South Anna Service Corporation; White Packing; and Hardy Road STP.

ITEM: Pounding Mill Quarry Corporation
Tazewell County, Virginia

OFFICE: Southwest Regional Office

Pounding Mill Quarry Corporation owns and operates three Underground Storage Tanks (USTS) at their limestone quarry operation in Tazewell County. On January 17, 2001, SWRO staff performed a compliance inspection of the facility and found that a monthly leak detection method, as required by the regulations, was not in place and that

monthly leak detection records were not being kept.

To resolve this noncompliance the staff entered into a Letter-of- Agreement with the Corporation, requiring Pounding Mill to implement leak detection by May 6, 2001. On June 21, 2001, the Company sent a letter to DEQ that provided a contract with Veeder-Root Service Company to provide statistical inventory reconciliation (SIR) for tank leak detection. A December 20, 2001 follow up inspection revealed that the company had not implemented the leak detection program. To resolve this violation, Southwest Office Staff negotiated the proposed Consent Special Order requiring Pounding Mill to: 1) install by May 15, 2002 an approved method of leak detection, 2) submit monthly leak detection reports by the 10th of the month to the Southwest Regional Office, 3) to submit an amended 7530-1 registration form that indicates correct piping for this UST system, and 4) pay a \$2,320 civil charge for violation of the UST regulations. Pounding Mill installed an automatic tank gauging system and is currently submitting the required reports. Cost of the tank gauging system was \$14,249.28. The Consent Special Order includes a civil charge of \$2,320 for violation of the Board's Underground Storage Tank Regulations.

ITEM: MARTINSVILLE EMULSION PRODUCTS CO., INC. OFFICE: WCRO

The VPDES Permit for Martinsville Emulsion Products Co., Inc. ("MEPCO") expired on May 29, 2002. The Permit was not reissued because a VPDES permit does not appear to be currently required for the facility. The draft Regulation for the Reuse of Reclaimed Wastewater would require the facility to obtain a permit.

On March 21 and May 24, 2001, DEQ inspected MEPCO in response to several citizen complaints. At the time of the inspection, the grounds were cluttered with portable pumps, hoses, spilled raw materials, product and discarded equipment. Inspection results indicated that MEPCO had improperly managed solid waste, had failed to register its above ground storage tanks ("ASTs"), and had failed to submit an Oil Discharge Contingency Plan ("ODCP"). MEPCO had also failed to comply with the deadlines specified in its Permit for submittal of its Operations and Maintenance ("O&M") Manual, Facility Capacity Evaluation, and Storm Water Pollution Prevention Plan ("SWPP").

The consent order before the Board includes a civil charge and a schedule for submittal of the required O&M manual, Facility Capacity Evaluation, AST registration, ODCP, and SWPP. In addition, the order requires MEPCO to obtain a permit under the Regulation for the Reuse of Reclaimed Wastewater when that regulation is promulgated. The Consent Special Order includes a civil charge of \$2,500.00.

ITEM: Town of Blackstone OFFICE: South Central

The Town of Blackstone wastewater treatment plant received a Notice of Violation ("NOV") in August 2000 for failure to submit a Significant Discharger Survey, and effluent limits violations. In April 2001, and again in October 2001, NOVs were issued for effluent limits violations. The Town submitted the survey in July 2000, and attributes the effluent limits violations to power failures, lightning damage, equipment failures, inflow and infiltration, and sewage discharged into manholes by a disposal company. The Town spent approximately \$29,000 repairing and replacing damaged and faulty equipment and installing electrical backup systems.

The Order requires Blackstone to construct an Equalization Basin within 260 days of issuance for the purpose of addressing inflow and infiltration during periods of heavy rainfall. The approximate cost of construction is \$52,000. The Town of Blackstone is required to pay a civil charge of \$840.00 within thirty (30) days of issuance of the Order.

ITEM: Noman M. Cole, Jr. Pollution Control Plant OFFICE: NVRO

Fairfax County is upgrading the Noman M. Cole, Jr. Pollution Control Plant ("PCP") pursuant to the VPDES Permit No. VA0025364 and was to achieve compliance with final Permit effluent limits for ammonia by April 3,

revised plan and schedule for the pump station upgrade and I&I repair which DEQ approved. At the time, County representatives explained that the constant turnover in County staff, including the General Manager of the King George County Service Authority, the County Administrator, and the Director of Facilities, had contributed to the lack of coordination and direction in accomplishing the work required by the Order. For these reasons, DEQ staff renegotiated the scheduled items in the Order with the County, and on June 30, 1997, the Board issued the County an Order that superceded and replaced the June 1995 Order.

The June 1997 Order required that the County complete the upgrade of 12 pump stations and I&I repair by June 2002, submit revised plans and specifications for the upgrade and expansion of the WWTP, and complete construction of the upgrade of the WWTP with 14 months of approval of the plans and specifications. The Order also required that the County pay a \$1,000 civil charge. The County proceeded with the construction of the upgrade of the pump stations and I&I repairs according to the approved schedule and submitted revised plans and specifications for the upgrade and expansion of the WWTP in accordance with the Order.

The WWTP continued to have problems consistently meeting the Permit's phosphorus limit. Also, in March 1997, a more stringent Permit effluent limit for ammonia became effective, but the WWTP could not consistently comply with the more stringent limit until the County completed the upgrade in order to improve the WWTP's nitrification process. VDH and DEQ approved the revised plans and specifications for the upgrade in November 1997, but the County was concerned that the revised design would not be adequate to address compliance issues as well as future wastewater treatment needs of the community. Consequently, the County requested additional time to complete an operational review of the WWTP and to incorporate recommendations from that review into another revision of the plans and specifications of the upgrade. For these reasons, DEQ again renegotiated the terms of the Order and schedule of compliance. The Board amended the Order on January 22, 1999. The amended Order required, among other things, that the County submit a revised plan and schedule for the upgrade and expansion of the WWTP and a plan and schedule for meeting final Permit effluent limits for phosphorus and ammonia. The amended Order also included interim effluent limits for phosphorus and ammonia which were effective until December 31, 1999.

Pursuant to the amended Order, on January 15, 1999, the County submitted a revised plan and schedule for completing the upgrade and expansion of the WWTP and a plan and schedule for achieving compliance with phosphorus and ammonia. The schedule anticipated that the County would complete construction of the upgrade and expansion by August 2001 and achieve compliance with final permit effluent limits by December 31, 2001. In 1999, the County implemented operational changes at the WWTP and achieved compliance with Permit effluent limits for phosphorus but was unable to achieve consistent compliance with the ammonia effluent limits until completion of the upgrade. For this reason, the County requested that the Board amend the Order to extend the WWTP's interim effluent limits for ammonia until upgrade was complete. On September 20, 2000, the Board amended the Order to extend the effective date of the interim limits for ammonia from December 31, 1999 until December 31, 2001, when construction of the upgrade and expansion was scheduled to be complete.

Construction of the first phase of the upgrade and expansion is in progress, but the County did not complete construction as scheduled and did not meet the December 31, 2001 deadline for compliance with final Permit effluent limits for ammonia. DEQ NVRO staff met with representatives of the County on June 27, 2001. At that meeting, County representatives explained that the construction schedule has been delayed because the County had incorporated additional enhancements into the design of the upgrade and expansion and that the County's review and approval of the revised design for the upgrade and expansion and the necessary loan approvals had taken longer than planned. Finally, the County determined that it needed to complete the construction of the upgrade and expansion in two phases in order to continue to operate the WWTP while the construction of the upgrade and expansion proceeds. The phased construction adds additional time to the construction schedule as initially proposed in January 1999. In a letter dated July 2, 2001, the County requested that the December 31, 2001 compliance date be extended. At that time, the County anticipated that the WWTP would achieve compliance with final Permit effluent limits for ammonia by December 31, 2003.

DEQ advertised the proposed amended Order for public comment on November 5, 2001. Because of the number of comments received during the public comment period, DEQ removed the proposed amended Order from the agenda of the Board's December meeting in order to address those comments.

In the meantime, the County employed a new consulting firm that proposed additional revisions to the design of the upgrade and expansion of the WWTP. The additional revisions were incorporated, in part, to ensure that the WWTP achieve compliance with final Permit effluent limits for copper, selenium, and zinc which became effective in March 2002. The revisions included, among other things, enhancing the WWTP's biological nutrient removal process in the first phase of construction, moving the WWTP's outfall from Williams Creek to Machodoc Creek, and increasing the WWTP's design flow to .5 million gallons per day ("MGD") in Phase I and to 1.0 MGD in Phase II. DEQ staff met with representatives of the County on March 12, 2002 and June 20, 2002 to discuss the revised plans. At the June meeting, County representatives anticipated that with the revised design the WWTP would achieve compliance with final Permit effluent limits for ammonia, copper, zinc, and selenium by August 1, 2004 and requested that the compliance date be extended accordingly. Construction of Phase I of the upgrade began on March 15, 2002. The estimated cost of the upgrade and expansion is \$6,700,000.00. The County has completed the upgrade of nine of the 12 pump stations and completed I&I repairs. The upgrade of the three remaining pump stations is in progress and should be completed by December 2002.

During the months of January through March 2001, the WWTP exceeded interim effluent limits for ammonia. DEQ issued a Warning Letter on March 26, 2001 (WL No. W2001-03-N-1010) and Notices of Violation ("NOV") on April 11, 2001 (NOV No. W2001-04-N-0003) and May 10, 2001 (NOV No. W2001-05-N-0003) notifying the County of the exceedences. The exceedences were caused by operation and maintenance problems at the WWTP. The County has corrected the problems, and the WWTP is now in compliance with interim effluent limits for ammonia.

The amended Order includes a schedule of compliance that requires the County to complete construction of Phase I the WWTP's upgrade and expansion by February 28, 2003, and achieve compliance with final Permit limits by August 1, 2004. Also, the Consent Special Order includes a civil charge of \$ 4,200.

ITEM: Evergreen Country Club STP OFFICE: NVRO
 Evergreen Country Club

The Evergreen Country Club ("Evergreen") sewage treatment plant ("STP") began to experience exceedences of for total suspended solids ("TSS"), total kjeldahl nitrogen ("TKN"), and carbonaceous biological oxygen demand ("CBOD") in May 2001. In an effort to improve the STP's performance and bring the STP into compliance with its Permit, Evergreen implemented operational and maintenance improvements. Those improvements were not sufficient to ensure the STP's consistent compliance with Permit effluent limits, and DEQ initiated formal enforcement action in October 2001.

DEQ staff met with Evergreen staff on October 25, 2001, in order to inspect the STP and to discuss the STP's operation and performance. On November 8, 2001, Evergreen submitted an initial plan and schedule for implementing improvements at the STP designed to ensure the STP's compliance with Permit effluent limits. On January 17, 2002, DEQ staff met with representatives of Evergreen Country Club to discuss the Evergreen's proposed plan. At the meeting, Evergreen representatives explained that, because of the STP's age and condition, the STP could no longer consistently comply with Permit effluent limits despite proposed improvements. For this reason, Evergreen has committed to replacing the existing STP with a new facility. Evergreen has also agreed to implement additional operation and maintenance requirements at the existing STP in order to improve the treatment and quality of the effluent while construction of the new facility is underway. Evergreen submitted a plan and schedule for designing and constructing the new facility on February 5, 2002, and a preliminary engineering report on March 27, 2002. The estimated cost of the new facility is \$180,000.

The Order includes a schedule of compliance for the design and construction of a new facility and anticipates that the new facility will achieve compliance with final Permit effluent limits by April 2004. In addition, the Order includes operation and maintenance requirements for the existing STP while construction of the new facility is underway and provides interim effluent limits for TSS, TKN, and CBOD until construction of the new facility is complete. The Order requires that Evergreen pay a civil charge of \$3,800.00 for past alleged violations of Permit effluent limits.

ITEM: Middleburg Wastewater Treatment Plant OFFICE: NVRO
Town of Middleburg

The Town of Middleburg owns and operates the Middleburg wastewater treatment plant (“WWTP”). The WWTP is the subject of VPDES Permit No. VA0024745 (“Permit”) which was reissued on January 1, 2002, and expires on January 1, 2007. The Permit required that the Town submit a permit application 180 days before the expiration of the existing permit (i.e., by July 1, 2001) and submit final semiannual Appendix A monitoring results by July 10, 2001. DEQ received the permit application on October 29, 2001, and the monitoring results on February 7, 2002.

The Order requires that the Town pay a civil charge of \$400.00 for late submittal of the permit application and monitoring results.

ITEM: Dominion High School Complex OFFICE: NVRO
Loudoun County Schools

The County is constructing the Dominion High School Complex on an 87-acre parcel of land located at Seneca Ridge in Loudoun County. On April 9, 2001, the County submitted a Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia requesting authorization for the discharge of fill material into 1.95 acres of waters of the United States at the construction site. On May 25, 2001, DEQ NVRO requested additional information from the County regarding the Joint Permit Application.

Pursuant to a citizen complaint regarding activities at the Dominion High School construction site, DEQ NVRO staff conducted a site investigation on August 7, 2001. The investigation revealed that the County had filled part of an intermittent dry streambed. The County had designated filling the streambed as a potential impact to waters of the United States in the Joint Permit Application, but at the time the impact occurred, the Board had not issued the County a VWP Permit authorizing the impact. DEQ NVRO issued the County an NOV for unauthorized impacts to waters of the United States on August 10, 2001.

Representatives of the County met with DEQ NVRO staff on August 24, 2001. At the meeting, DEQ NVRO staff recommended that the County restore the streambed to its original condition. On September 21, 2001, consultants for the County provided DEQ NVRO documentation demonstrating that the County had restored the streambed to its original condition. On December 14, 2001, the Board issued the County Virginia Water Protection (VWP) General Permit Authorization No. WP4-01-0645 for the Dominion High School Complex construction site. On March 1, 2002, County representatives met with DEQ staff and proposed that the County provide a wetlands training seminar to County personnel.

The Order requires that Loudoun County Schools provide a comprehensive training seminar for certain County personnel regarding compliance with federal and state wetlands programs. Pursuant to the Order, the County conducted the seminar on August 15, 2002.

ITEM: Carpenter Co. Office: Piedmont Regional Office

In December 2001, Carpenter Co. had an unpermitted discharge of Toluene Diisocyanate (TDI) to state waters. Approximately 6,600 gallons of TDI was spilled when a railroad tanker was off-loading at their facility. Due to an error, the tanker car was disconnected before the off-loading process was completed. Of the 6,600 gallons spilled,

3,026 gallons were not recovered and entered Broad Rock Creek through a drop inlet on Carpenter Co. property. A Notice of Violation (NOV) was issued to the Company on January 31, 2002, addressing the unauthorized impacts to state waters for an unpermitted discharge of a hazardous chemical, TDI. A meeting was held with the Company to discuss resolution of the violations. At the meeting, Carpenter Co. agreed to provide DEQ with a copy of their Stormwater Pollution Prevention Plan and identify the stormdrains that have the potential to drain hazardous material to state waters due to unloading operations. To prevent future unpermitted discharges, the Company agreed to install pneumatic devices which could be remotely activated to block unpermitted discharges to selected storm drains.

The Order requires that by October 1, 2002, Carpenter Co. install in-pipe pneumatic plugs at selected points in the stormwater drainage system to prevent the discharge of unpermitted releases to state waters. The Company will also submit a written report within 30 days of completion of the work confirming the installation of the plugs. The Order also requires a \$10,000 civil charge.

ITEM: Mr. Andrew James, Jr. OFFICE: Piedmont Regional Office

J. C. Brown Oil Company installed five underground storage tanks (USTs) at Ashes General Merchandise in Achilles, Virginia. J. C. Brown Oil Company owned the USTs and installed them at the site with the provision that Ashes General Merchandise would use their product. Mr. Andrew James, Jr., as President of J. C. Brown Oil Company signed as owner of the USTs. In 1995, Ashes General Merchandise closed the store and had the tanks removed on November 3, 1997. On November 3, 1997, a release of petroleum product was noted during the removal of the USTs. Mr. James, former President of J. C. Brown Oil Co., Inc. assumed responsibility for the remediation of the site. In January 1999, the J. C. Brown Oil Co., Inc. was sold to L. F. Phillips Energy and at that time the J. C. Brown Oil Co., Inc. ceased to exist.

Four groundwater monitoring wells were installed. On March 25, 1998, the first groundwater monitoring samples were collected and the results provided to DEQ. However groundwater monitoring ceased before DEQ could make a final determination that sufficient corrective action had been taken. Warning letters were sent requesting Mr. James provide additional monitoring data. This data was not provided. A Notice of Violation was issued on May 28, 2002, for failure to provide this data.

Earlier groundwater monitoring data show that the risk from contamination is decreasing. The Department needs at least two more groundwater monitoring events before DEQ can make a final determination that the risk no longer poses a health and environmental threat. The proposed Order requires two more groundwater monitoring events and the payment of a \$700 civil charge.

ITEM: DuPont Teijin Films OFFICE: Piedmont Regional Office

DuPont Teijin Films had two separate upset events at their treatment plant in 2001. These upsets caused BOD and CBOD violations reported in 2001. In late June 2001, research and development teams associated with manufacturing divisions began mixing chemicals on site in an attempt to develop a number of new film coatings for the market. The chemicals had a toxic effect on the sludge biology of the treatment process. It took several months for the treatment process to recover. Starting in September and continuing into October, an upset occurred with their clarifier that led to BOD violations. Dupont with the help of a consultant, discovered and corrected the problem with the polymer and the polymer feed procedure.

On September 17, 2001, a residual chlorine violation occurred as a result of a free chlorine vs. total chlorine sampling logic flaw. The operators monitor free chlorine in the cooling towers and based on past data they assumed that total residual chlorine was in compliance at the outfall. Dupont has scheduled a sanuril dechlorination unit be installed for cooling tower blowdowns. Dupont reported a phosphorous permit limit exceedance on the October 2001 DMR. Dupont has stopped the manual addition of phosphorous to the aeration basins, which is added to

prevent nutrient deficiency in the biological treatment process. The facility is evaluating the needs/benefits from the enhanced nutrient feed system.

Dupont and the Department met on February 19, 2002, to discuss the upset events and effluent violations. Dupont responded with corrective action quickly and effectively during the upsets. The Department was kept informed as the upsets occurred. The Order requires Dupont to develop a coating evaluation program for the testing of chemical compounds and recipes used in the production and development of film coatings, a report evaluating the benefit of upgrading the nutrient feed system, a Corrective Action Plan (CAP) to address the chlorine violations due to cooling tower blowdowns, develop a written plan formalizing training and communication for wastewater system operations and the disposal of abnormal wastewaters, and submit a revised operation and maintenance (O&M) manual for the wastewater treatment plant. The Order also requires payment of a \$4,200 civil charge.

ITEM: Honeywell International Inc.

OFFICE: Piedmont Regional Office

The proposed Order addresses four unauthorized discharges that resulted in permit effluent violations at Honeywell's Hopewell Plant. Honeywell reported four ammonia effluent violations and two unpermitted discharges in Area 11, in July and September 2000. A Notice of Violation (NOV) was issued for these violations. On December 22, 2000, Honeywell reported an unpermitted discharge of Methyldiethanolamine (MDEA) when the main compressor at their Kellog Ammonia Plant shutdown. This resulted in an exceedence of their Total Organic Carbon (TOC) permit limit. A NOV was issued for this violation. On October 30, 2001, Honeywell reported a spill of sodium hydroxide that caused a fish kill. A NOV was issued for this violation.

During the negotiation of this Order, Honeywell developed and implemented corrective actions which addressed the violations cited in the NOVs and to prevent future unpermitted discharges. The proposed Order requires the payment of a \$47,280 civil charge. All other actions required to prevent these violations from reoccurring have already been completed.

ITEM: TA Operating Corporation

OFFICE: Piedmont Regional Office

TA Operating Corporation d/b/a Travel Centers of America owns and operates a truck stop known in Hanover County as Richmond Travel Center. The proposed Order addresses effluent violation of total suspended solids, total phosphorous, and ammonia reported by Travel Centers of America between May and October 2001.

Travel Centers of America met with the Department on December 19, 2001, to discuss the actions taken to address the violations cited in the Notice of Violation. Travel Centers of America agreed to hire a consultant to conduct a diagnostic evaluation (DE) of the treatment system. Recommendations from the evaluation will be used to develop a corrective action plan (CAP) to bring the facility back into compliance with its permit. The Order also requires a \$4,500 civil charge.

ITEM: Mr. Hank Wilton d/b/a The Wilton Companies d/b/a The Wilton Companies LLC

Office: Piedmont Regional Office

Mr. Hank Wilton of The Wilton Companies was issued a General Permit in December 2001, to construct a commercial shopping center known as John Rolfe Commons in western Henrico County. Staff review of the file determined that the permittee was in noncompliance with the conditions of the permit that requires, as compensatory mitigation, the permittee submit documentation within 60 days of the permit authorization that the US Army Corp of Engineers (USACE) has debited the required mitigation credits from the Mitigation Bank ledger. Correspondence with the Wilton Companies determined that the bank credits had not been bought and therefore, not submitted to the USACE. A Notice of Violation (NOV) was issued on May 28, 2002 for failure to provide compensatory mitigation for stream impacts and for failure to purchase the 2.66 acres of mitigation bank credits from the James River Mitigation Landbank as required by the permit. The facility also failed to provide DEQ

documentation that the USACE had debited the required credits from the James River Mitigation Landbank within 60 days of permit issuance. A meeting was held with the permittee in order to discuss resolution of the violations.

The Order requires that the permittee purchase the wetland mitigation credits from the James River Mitigation Landbank by August 1, 2002; and requires the submittal of documentation to verify the USACE has debited the required credits from the James River Mitigation Landbank by September 1, 2002. DEQ received documentation verifying the purchase of the wetland mitigation credits on August 1, 2002. The Order also requires a \$2,500 civil charge.

ITEM: Delaware Cornerstone Builders OFFICE: TIDEWATER

On October 31, 2001, DEQ staff investigated a complaint at the Yorktown Naval Weapons Station ("YNWS") that oil from three electrical transformers was dumped into a hole during the demolition of a building. Delaware Cornerstone Builders ("DCB") was the contractor for the demolition. The complaint was brought by an employee of a subcontractor on the demolition project. The employee who brought the complaint was fired after notifying the YNWS's Environmental Director of the incident. The DCB supervisor initially maintained that the oil was properly disposed.

The employee directed the DEQ and YNWS environmental staff to the site where the oil was dumped. The hole had been filled in. The Navy excavated the area and found that oil was present in the hole. The Navy took samples of residual oil from the transformers which had been dumped in nearby woods. They also took samples of the oil dumped into the hole. The laboratory analyses indicated that they were from the same source.

The total amount of oil dumped into the hole was approximately 31 gallons. A Navy subcontractor excavated and disposed of the oil-contaminated soil. DEQ has signed off on the clean-up of the site. The oil was analyzed and does not contain PCBs. We have no evidence of surface or groundwater contamination.

The Consent Special Order includes a civil charge of \$2,329.

ITEM: Commercial Ready Mix Products, Inc. - Franklin OFFICE: Tidewater
Franklin, VA

Commercial Ready Mix Products, Inc. owns and operates a concrete ready-mix plant located in Franklin, VA. During inspections on August 8, 2001, September 25, 2001, and February 7, 2002, DEQ staff observed discharges from the facility's permitted outfall 001. DEQ staff sampled the discharges on September 25, 2001 and February 7, 2002 and found the pH to be 11.71 and 11.2, respectively. The permit allows a maximum pH effluent limit of 9.0. Although DEQ had previously directed the facility to monitor, sample, and submit monthly results whenever a discharge occurs; Commercial Ready Mix Products, Inc. did not submit sampling results for these observed discharges. In addition, no discharge was reported on the September 2001 monthly discharge monitoring report. These inspections also revealed an additional outfall on site not listed on the permit. No runoff from the facility was observed entering the outfall. It has not been determined whether runoff entering this outfall is solely storm water or commingled with process wastewater. Commercial Ready Mix Products, Inc. signed a consent special order on May 16, 2002 in settlement of the alleged violations.

The Consent Special Order requires Commercial Ready Mix Products, Inc. - Franklin to conduct the following:

1. Submit a permit application reflecting the proposed storm water control measures and inclusion of previously unpermitted outfall 002.
2. Construct and implement measures to control storm water flow on site.
3. Continue and include monthly monitoring, sampling, and reporting of discharges at outfall 001 and 002.

Commercial Ready Mix Products, Inc. has complied with the terms specified in the order, which precede the effective date of the order. The Consent Special Order includes a civil charge of \$3,750.

ITEM: Royster-Clark, Inc.

OFFICE: TIDEWATER

Royster-Clark was reissued VPDES Permit VA0003875 on 1/23/01. Part I.A of the permit requires the discharge at outfalls 001, 002 and 003 to have a pH between 6.0 and 9.0. The Company did not comply with their pH limit on 14 occasions. The Company also failed to sample for any parameters in 12/00 and did not turn in a DMR for the fourth quarter of 2001.

Part I.B of the Permit contains sampling requirements and permit limits for whole effluent toxicity at outfalls 002 and 003. The first report, due on 7/10/01 and the 2nd report due on 1/10/02 have not been received.

Part I.C. of the Permit contains a four year compliance schedule for upgrading the facility to meet ammonia limits at outfalls 001, 002, and 003. The schedule requires that they submit an upgrade plan by 4/10/01. The plan and associated progress reports have not yet been received.

Part I.E. of the permit requires annual acute toxicity testing of outfall 001 for storm water evaluation. The first toxicity test due on 2/10/02 was never received.

The proposed order will require the owner to comply with their permit, SWPPP and operations and maintenance manual. They will also be required to make up the missed toxicity tests and will be placed under a new upgrade schedule to comply with the ammonia limit. The Consent Special Order includes a civil charge of \$10,000.

ITEM: City of Hampton and Hampton Roads Sanitation District

OFFICE: TIDEWATER

Hampton owns a sanitary sewer collection system that connects to the regional sanitary sewer system owned by HRSD. The City of Hampton and HRSD have been the subject of previous consent orders (1990, 1995, and 1998) regarding the rehabilitation of the sewage collection system. The City has spent approximately 0.5 million dollars to correct problems in the Clarendon collection area, the subject of the 1998 consent order. Although Hampton and HRSD complied with the requirements of these orders, infiltration and overflow problems continue to exist. TRO records show that 27 sewage overflows were reported in 2001, an unusually dry year, five of which were estimated to exceed 1,000 gallons.

The proposed order will require the City to complete the following:

- install approximately 25 magnetic flow meters in the Clarendon and Bridge Street service areas;
- TV the lines and manholes in the Clarendon service area and develop a plan and schedule for repair work (to be incorporated into the Order); and
- smoke test and TV the lines and pump stations in the Bridge Street Service area and develop a plan and schedule for repair work (to be incorporated into the Order).

HRSD will be required to install a permanent flow meter at the Bridge Street Pump Station and to monitor, evaluate, and analyze flow meters installed at Hampton boundaries for effectiveness of their infiltration/inflow reduction program.

ITEM: City of Portsmouth – Lake Kilby Water Treatment Plant

OFFICE: TIDEWATER

During Hurricane Floyd (September 16, 1999), the Lake Kilby Water Treatment Plant was inundated and significantly damaged. The earthen embankment of the residuals lagoon was supersaturated by the flood waters and the exterior slope of the embankment subsided in five places weakening the entire 2,000 foot embankment. The following day, the operators lowered the level of the lagoon to prevent a catastrophic failure. The lower lagoon level did not allow sufficient water depth for settling of the solids and the facility was not able to meet their TSS limits. The residuals lagoon contained 20 years worth of residuals (solids and alum sludge) and a significant quantity escaped.

In November, 1999, DEQ notified the facility that since the hurricane was an act of God, they would not be responsible for meeting their TSS limit until the repairs were completed. In February, 2000, Portsmouth advised

DEQ that repairs would start in May, 2000 and be completed in October, 2000. In October, 2000, DEQ notified the City that adequate time for the repairs had elapsed and we would take enforcement action if they did not comply with their permit limits. The City encountered several delays after notifying DEQ that work would be completed by October. They were not aware that Suffolk had adopted a new Unified Development Ordinance, which resulted in delays in getting their site plan approved. Additionally, the repair work required access through wetlands and they had to get a Nationwide permit from the Army Corps of Engineers before proceeding. The City did not notify DEQ of these delays or request an extension.

The plant violated its permit limits in February, March and April of 2001. In May, the repair work was sufficiently complete that they were able to raise the lagoon level and comply with their permit limits. The last of the repair work was completed in July, 2001. In September, 2001, DEQ inspected Savage Pond and became aware of downstream impacts.

The proposed order will require Portsmouth to dredge the residuals from Lake Savage and restore the Lake. In addition, the City will be required to develop a long-term residuals management plan.

ITEM: Magnolia Run Apartment, L.L.C.
Virginia Beach, VA

OFFICE: Tidewater

Magnolia Run Apartment, L.L.C. is in the process of building a 200-unit apartment complex in Virginia Beach, VA, called Magnolia Run Apartments. On August 29, 2001, DEQ received a registration statement from Magnolia Run Apartment L.L.C. for a VPDES storm water general permit associated with construction activity for the construction of the Magnolia Run Apartments.

On September 21, 2001, DEQ inspected the Magnolia Run Apartments construction site and was informed that construction activity had started approximately one month before the site visit. On October 5, 2001, DEQ Tidewater Regional Office issued a notice of violation to Magnolia Run Apartment L.L.C. for commencing construction activity prior to the submission of the registration statement. The VPDES Regulations require that the registration statement be submitted two days before the commencement of construction activities.

The Magnolia Run Apartments site contractor responded to the notice of violation stating that construction activity began at the end of July 2001 without his knowledge. Reportedly, construction activity occurred for one week before he ordered the work to stop; construction did not start again until the registration statement had been approved. They signed a consent special order on July 16, 2002 to remedy these violations. Coverage under the general permit became effective September 19, 2001. Magnolia Run Apartment L.L.C. is being assessed a civil charge of \$500 for beginning construction activities more than 2 days before the registration statement was submitted.

ITEM: Highland Oil Company, Inc.,
Maury River Oil Company, Inc.,
Reynolds Chevron, Inc.

OFFICE: Valley Regional Office

This Consent Special Order resolves violations of UST and AST regulations at sites owned by Lawrence Watson under the corporate names Highland Oil Company, Maury River Oil Company, and Reynolds Chevron. The apparent violations resolved by the Order include late submittal of financial responsibility documentation for all three corporate entities and the following apparent violations listed by facility:

Highland Oil Bulk Plant (Highland County) was referred for failure to address apparent AST compliance violations and delayed response to a confirmed release of petroleum from an AST.

East Lexington Store (Lexington) is a Highland Oil facility referred to failure to upgrade its USTs to meet 1998 compliance deadlines.

Kerr's Creek General Store (Lexington) is a Highland Oil facility referred for failure to upgrade its USTs to meet 1998 compliance deadlines, and for delayed response to a confirmed release of petroleum from a UST.

Maury River Oil Company (Lexington) is an AST facility referred for the failure to address apparent AST compliance violations.

Reynolds Chevron (Rockbridge) includes an AST facility referred for the failure to address apparent AST compliance violations, and a UST facility referred for the failure to meet 1998 compliance deadlines and delayed response to a confirmed release of petroleum from a UST.

Riverside Auto Clinic (Augusta County) is a Highland Oil UST facility referred for the failure to meet 1998 compliance deadlines. This site also had a confirmed release of petroleum from the UST system which was properly responded to by the company.

3B BP Station (Augusta County) is a Highland Oil UST facility referred for the failure to meet 1998 compliance deadlines. This site also had a confirmed release of petroleum from the UST system which has been properly responded to by the company.

Village Market (Rockingham County) is a Highland Oil UST facility for which the company failed to submit proper closure documentation.

The Consent Order provides a schedule to correct all violations involving unresolved pollution complaints, and to complete the upgrade of the affected UST and AST systems as follows:

Highland Oil Bulk Plant - address deficiencies in the facility ODCP and secondary containment, and complete corrective action to address other AST compliance deficiencies. Provide SCR Addendum or CAP if requested by DEQ.

East Lexington Store - address enumerated 1998 compliance deadline deficiencies.

Kerr's Creek General Store - implement the CAP as directed by DEQ.

Maury River Oil Company - complete corrective action to address enumerated AST compliance deficiencies.

Reynolds Chevron - complete corrective action to address enumerated AST compliance deficiencies, and complete upgrade of USTs to address 1998 compliance deadline deficiencies. 3B BP Station - complete upgrade of USTs to complete repair of impressed current system to meet 1998 compliance requirements and implement an approved CAP to address the confirmed release of petroleum on site.

The corrective action required by DEQ has been completed at Riverside Auto Clinic and Village Market.

The Order also assesses civil charges as follows: Highland Oil Company, Inc., provided documentation establishing its inability to pay a civil charge in addition to the estimated \$186,628 cost to comply with provisions of the Order. The \$72,574 civil charge for Highland Oil will thus not be assessed.

The Order assesses a civil charge of \$6641 for Maury River Oil Company. \$4981 of the civil charge will be offset by a Supplemental Environmental Project to upgrade facility piping and valves as detailed in the Order, leaving a balance of \$1,660 to be paid by Maury River. The cost for Maury River to comply with the CSO's requirements will be approximately \$13,200.

The Order also assesses a civil charge of \$17,377 for Reynolds Chevron. \$5330 of the civil charge will be offset by a Supplemental Environmental Project to improve release detection as detailed in the Order, leaving a balance of \$12,047 to be paid by Reynolds Chevron. The estimated cost for Reynolds Chevron to comply with the Order will be \$11,694.

ITEM: Ladd Convenience Center, Inc.

OFFICE: Valley Regional Office

Ladd Convenience Center, Inc. (Ladd) owns and operates an underground storage tank (UST) facility located at 4633 Stuarts Draft Highway in Waynesboro, Virginia. Ladd stores petroleum in these USTs under the requirements of 9 VAC 25-580-10 et seq. Underground Storage Tanks: Technical Standards and Corrective Action Requirements (UST Regulations). The UST regulations require that owners of UST facilities perform release detection on the USTs and associated piping, perform periodic testing of the UST cathodic protection (CP) system and properly notify the DEQ of the current status of the USTs. An inspection performed at the facility on May 23, 2000,

revealed that Ladd had 1) incorrectly notified the DEQ of the facility's UST information; 2) failed to perform release detection on the USTs and their associated product piping; and 3) failed to perform testing on the cathodic protection systems for the USTs to ensure proper operation.

DEQ issued a Warning Letter (WL) to Ladd, dated July 18, 2000, for these alleged violations. On August 14, 2000, the DEQ received a signed Letter of Agreement (LOA) from Ladd that contained a corrective action plan to bring the facility into compliance by October 18, 2000. During a September 1, 2000, site visit, DEQ staff received documentation resolving some of the violations noted. Cathodic protection system testing and product line release detection violations were still unresolved. DEQ staff contacted Ladd on December 18, 2000, to inform them that the remaining violations noted in the WL had not been resolved. As a result of the continuing violations, DEQ issued an NOV to Ladd on March 27, 2001. DEQ staff received documentation from Ladd on April 3, 2001, confirming that the remaining violations had been resolved.

Based on the information from the UST inspection reports, Ladd had no records of performing release detection on the UST piping or of performing CP testing on the USTs prior to October 2000. DEQ staff received documentation satisfying the requirements of release detection and CP testing on April 3, 2001. Based on the results of the last formal UST inspection performed, one of the same violations (failure to perform release detection on product line piping) was repeated. This was remedied within 60 days of discovery. Currently, the facility is in compliance with all technical requirements of the UST regulations. The proposed order requires Ladd to pay a civil charge of \$6,757.00 and provide acceptable financial assurance documentation to the DEQ.

ITEM: The Town of Mt. Jackson

OFFICE: Valley Regional Office

The Town of Mt. Jackson owns and operates the Mt. Jackson sewage treatment plant ("STP") under the terms of VPDES Permit No. VA0026441 ("the Permit"). The Permit authorizes Mt. Jackson to discharge treated sewage from the STP to the North Fork Shenandoah River. On January 29, 2002, staff of the Valley Regional Office conducted a routine inspection of the Mt. Jackson STP. During the inspection, staff observed that the STP had caused an accumulation of solids (sludge blanket) in the North Fork Shenandoah River. Based on the inspection, on February 19, 2002, DEQ issued Notice of Violation No. W2002-02-V-0001 to Mt. Jackson, citing violation of the general standard of State Water Control Law. Mt Jackson initiated removal of the sludge blanket from the stream. DEQ staff subsequently inspected the outfall location and found that the sludge blanket had been successfully removed. DEQ staff and the Town both believe that the sludge blanket was caused by the Town's inability to waste solids as frequently as needed. In order to prevent recurrence of the violation, Mt. Jackson has submitted a corrective action plan, dated March 5, 2002.

The plan has been incorporated into Appendix A of the proposed Order. The proposed Order includes additional provisions for monitoring the success of the corrective action plan. The Mt. Jackson STP will be taken offline in the summer of 2003 at which time the Town will connect, by way of a new interceptor, to the new North Fork Shenandoah Regional Sewer Authority's STP (the former Aileen wastewater treatment plant). The estimated cost to Mt. Jackson for compliance with the proposed Order is approximately \$3,000. The Consent Special Order includes a civil charge of \$3,500.00. Cash civil charge (1 % of total) of \$35.00. Civil charge offset of 99% (\$3,465.00) through implementation of a Supplemental Environmental Project. Under the proposed Order, Mt. Jackson will perform a Supplemental Environmental Project under the Pollution Prevention (P2) category as an offset of the civil charge. Mt. Jackson's proposed Supplemental Environmental Project entails paving a portion of the driveway at its STP complex as a means to control fugitive dust emissions. A civil charge offset of up to 99% for a P2 Supplemental Environmental Project has been authorized by the Director; accordingly, the cost to Mt. Jackson for implementing the Supplemental Environmental Project shall not be less than \$3,465.00.

ITEM: S.I.L Cleanwater, L.L.C./
Rockingham County

OFFICE: Valley Regional Office

On October 15, 1999, DEQ issued VPDES Permit number VA0090263 (“Permit”) to S.I.L Cleanwater, L.L.C. (“S.I.L”). The Permit required S.I.L. to submit to DEQ for review and approval a Soil Moisture Monitoring Plan 90 days prior to land application of wastewater. The company’s Plan was submitted late. DEQ provided comments to S.I.L. on the Soil Moisture Monitoring Plan and told the company that the plan must receive final approval before land application commenced. The facility began land application of wastewater before approval of a Soil Moisture Monitoring Plan and began using the facility prior to issuance of the Certificate to Operate. To date, DEQ has not received an approvable Soil Moisture Monitoring Plan from S.I.L.

The Permit requires that soil moisture monitors be used to calculate appropriate irrigation amounts to ensure that field capacity is not exceeded. S.I.L irrigated during the 2001 irrigation season without complying with this provision.

S.I.L does not believe the soil moisture monitors are necessary or appropriate. S.I.L is seeking a permit modification to remove the soil moisture monitoring requirements and certain other irrigation limitations from the Permit.

S.I.L and DEQ agreed to allow the issue of appropriate injunctive relief for the violations relating to the use of soil moisture monitors to be resolved through a Va. Code Section 10.1-1186 Special Order Proceeding. The first step in that process was an informal fact-finding proceeding, which took place on February 28, 2002. The full Record of the Proceeding, the Hearing Officer’s Findings of Fact and Conclusions of Law, and all submissions by the parties were reviewed by the Director’s designee who, on June 20, 2002, issued a Special Order to S.I.L that ordered injunctive relief to return S.I.L. to compliance with the Permit.

The Commonwealth experienced drought conditions during 2001 and early 2002. Citing these drought conditions, the farmers receiving irrigation from S.I.L wrote letters in February 2002, requesting that irrigation take place. In subsequent conversations with the farmers, a concern has been raised about the impact of the drought, should it continue, on their crops if irrigation is not permitted.

The Department of Conservation and Recreation has advised DEQ that there is a means to determine appropriate irrigation amounts to address the needs of the crops without exceeding field capacity.

The parties recognize that the relief provided by this proposed Order is temporary. The provisions outlined in the Order generally satisfy the intent of the permit, and are a suitable means of allowing S.I.L to irrigate during the 2002 growing season, until either the Special Order or permit modification processes are complete. Because the relief is temporary, DEQ has not addressed the need to differentiate between different soil types within the fields. DEQ acknowledges that as a result, the soil moisture content in some of these areas may exceed crop demand during this interim period.

The Special Order issued to S.I.L. on June 20, 2002, provides that irrigation may take place through November 15, 2002 (the 2002 irrigation season) only in accordance with this proposed Consent Special Order signed by S.I.L. on May 21, 2002.

The Special Order also requires S.I.L. to inform DEQ by September 15, 2002, of which of the following options it elects to implement after November 15, 2002, in order to return to compliance with the Permit:

- (a) Repair, calibrate and use the facility’s present soil moisture monitoring and associated telemetry to determine when the fields are at 100% field capacity, and to cease irrigation at that point. A reading of 10 centibars would equate to 100% field capacity until a full calibration is completed; or
- (b) Install, calibrate, and use alternative soil moisture monitors to determine when the fields are at 100% field capacity, and to cease irrigation at that point; or
- (c) Cease irrigation.

The Order provides temporary relief from certain of the land application requirements contained in the permit. The Order requires S.I.L. to perform irrigation of wastewater in accordance with the process and procedures contained in the appendices of the Order. The Order contains detailed instruction for determining soil moisture content of the fields, the field capacity, and the amount of wastewater that may be applied to the fields to ensure that 100% of field capacity is not exceeded.

ITEM: Stonebrook Swim and Racquet Club

OFFICE: Valley Regional Office

The Stonebrook Swim and Racquet Club ("SSRC") is a private recreational facility located at 2342 Jones Road, Winchester, Virginia. SSRC is authorized under VPDES Permit No. VA0088722 ("the Permit") to discharge treated domestic sewage from its sewage treatment plant ("STP") into Opequon Creek. On October 10, 2001, and on October 31, 2001, staff of DEQ's Valley Regional Office conducted inspections of the STP. Based on these inspections and a review of DEQ's files for SSRC, on December 6, 2001, DEQ issued Notice of Violation No. W2001-12-V-0001 to SSRC citing violations of State Water Control Law resulting from improper reporting, improper maintenance and violations of effluent limits.

Under the terms of the proposed Order, SSRC has hired a part-time licensed wastewater operator and has implemented a set of corrective measures to return the STP to compliance with the Permit. The estimated cost to SSRC for compliance with the proposed Order is \$6,200. The Consent Special Order includes a civil charge of \$2,100.

ITEM: Valley View Mobile Home Court
Rockingham County

OFFICE: Valley Regional Office

Valley View Mobile Home Court (Valley View MHC) owns and operates a facility serving a mobile home park in Rockingham County, Virginia, which is the subject of VPDES permit No. VA0027626. The facility is presently subject to a 1998 Consent Special Order that required Valley View MHC to submit a corrective action plan to bring the facility into consistent compliance with all permit requirements if effluent sampling demonstrated that the plant could not comply with final limitations and if DEQ determined the need for additional corrective action

Rather than construct a regional sewage treatment plant, Rockingham County is scheduled to construct sewer lines to connect Valley View MHC and the surrounding area with the County's collection system served by the existing Harrisonburg-Rockingham Regional Service Authority's North River Sewage Treatment Plant. This sewer line project is scheduled for completion in late 2003. The Order requires Valley View to connect to the County's system once service is available.

The Order would require Valley View MHC to begin additional process control sampling in the treatment units to determine the performance characteristics of the plant. The Order also requires Valley View MHC to take certain corrective actions at the facility to improve the performance of the plant until it can be taken offline in the fall of 2003. The Order includes a civil charge of \$6,600.

ITEM: Revised Draft Regulation for Wastewater Reclamation and Reuse, 9 VAC 25-740-10 et seq.

At the last Board meeting held in May, the staff presented a draft regulation and received the Board's authorization for public comment. A minor modification has been made to the draft regulation since then in order to address concerns raised by a constituent regarding indirect potable reuse. This revision clarifies that indirect potable reuse of reclaimed water that involves surface water discharge is not prohibited, rather excluded from this regulation. Specific changes to 9 VAC 25-740-10 and 40 are shown below. All added language is underlined and deleted language is stricken through.

9 VAC 25-740-10 Definitions

“Indirect potable reuse” means the ~~discharge of reclaimed water directly into an aquifer or raw water impoundment used for a drinking water source~~ withdrawal, treatment, and distribution of water for drinking from surface waters that are fed in part by the discharge of reclaimed water.

9 VAC 25-740-40 Exclusions and prohibitions

A. Exclusions

The following are excluded from the requirements of this regulation:

1. Septic tank drainfield systems and other on-site sewage treatment and disposal systems with subsurface disposal, as permitted by the Virginia Department of Health.
2. Utilization of gray water.
3. Non-potable water produced at a treatment works, when utilized on-site at that treatment works. The treatment works site shall not include property that is not contiguous to the parcel of land upon which the treatment works is located.
4. Irrigation of land with reclaimed water at rates exceeding the supplemental irrigation rates as defined in this regulation.
5. Indirect potable reuse of reclaimed water.

Exclusion from the requirements of this regulation does not relieve any owner of the above operations of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulations.

B. Prohibitions

The following are prohibited under this regulation:

1. Reclaimed water shall not be used for direct ~~or indirect~~ potable reuse.
2. Reclaimed water shall not be directly injected into any underground aquifer.

ITEM: Consideration of Petitions for Exceptional Waters Designations

Staff intends to present three citizen petitions for exceptional waters designations as well as a staff list of seven additional candidate waters located on federal lands to the Board at their October 3, 2002 quarterly meeting for consideration.

The citizen petitions received by DEQ staff are as follows:

Little Stony Creek in Giles County from the first footbridge above the Cascades picnic area, upstream to the 3,300-foot elevation.

Bottom Creek in Montgomery & Roanoke Co. from its confluence with Big Laurel Creek downstream to its confluence with Goose Creek to form the South Fork of the Roanoke River.

Ragged Island Creek and its tributaries in Isle of Wight County from its confluence with the James River, including Batten Bay, from a line drawn across the creek mouth at N36°56.306'/W76°29.136' to N36°55.469'/W76°29.802', upstream to the Route 17 bridge, and to the following boundary points on each unnamed tributary:

N36°56.579'/W76°29.454', N36°56.971'/W76°29.680',
N36°57.231'/W76°30.070', N36°57.341'/W76°30.334',
N36°57.514'/W76°30.705', N36°57.159'/W76°31.065',
N36°56.631'/W76°30.676', N36°56.512'/W76°30.260,
N36°56.342'/W76°30.141'.

Staff have done a completeness review of these three citizen petitions and deemed them to be complete. Therefore, staff will present the three petitions to the Board and ask for their direction prior to initiating notifications of impacted localities and riparian landowners.

As directed by the Board at their July 9, 2002 meeting, the Department's staff in the Office of Water Quality programs have worked with appropriate federal agencies to identify potential candidates for Exceptional Water designation that flow through public lands within the Commonwealth. Staff have completed their evaluation of waters on U.S. Forest Service and U.S. Fish and Wildlife lands that meet the eligibility criteria and we will propose

the following seven waters for your consideration. At a later meeting we will appear before you with suggested candidate waters that flow through Shenandoah National Park lands.

DEQ Candidates on U.S. Forest Service Land:

Brown Mountain Creek in Amherst County from the City of Lynchburg property boundary upstream to the first crossing with the national forest property boundary.

Laurel Fork in Highland County from the national forest property boundary below Route 642 downstream to the Virginia/West Virginia state line.

North Fork of the Buffalo River in Amherst County from its confluence with Rocky Branch upstream to its headwaters.

Pedlar River in Amherst County from where the river crosses FR 39 upstream to the first crossing with the national forest property boundary.

Ramseys Draft in Augusta County from its headwaters (which includes Right and Left Prong Ramseys Draft) downstream to the Wilderness Area boundary.

Whitetop Laurel Creek in Washington County from the national forest boundary immediately upstream from the second railroad trestle crossing the creek above Taylors Valley upstream to the confluence of Green Cove Creek.

DEQ Candidate on U.S. Fish and Wildlife Service Land:

Lake Drummond in its entirety within the cities of Chesapeake and Suffolk excluding any ditches and/or tributaries.

ITEM: Proposed Virginia Financial Responsibility Requirements for Tidal Dredging Mitigation Projects, 9 VAC 25-770-10 et seq.--Emergency Regulation

This regulation requires persons who apply for a Virginia Water Protection permit for certain tidal dredging projects to provide evidence of financial responsibility for the completion of required compensatory mitigation activities. If the permittee chooses to mitigate by purchasing mitigation bank credits or donating money to an in-lieu fee fund, the regulation requires documentation of the purchase or donation before the onset of any activity in the permitted area. If the permit holder chooses to implement any other type of compensatory mitigation, the regulation allows permit holders to demonstrate financial responsibility by obtaining and submitting a letter of credit, performance bond, certificate of deposit, or a copy of the financial responsibility documentation provided to and approved by the U.S. Army Corps of Engineers for the same project.

ITEM: Draft Amended Regulation 9 VAC 25-20-10 et seq., Fees for Permits and Certificates

The purpose of this agenda item is to request that the Board authorize the staff to issue a public notice and hold a public hearing on the subject permanent regulation to replace emergency regulation 9 VAC 25-20-10 et seq., adopted by the Board at its May 2002 meeting, and effective July 1, 2002.

In its 2002 session, the General Assembly of Virginia amended and enacted revisions to §62.1-44.15:6 of the Code of Virginia increasing the maximum allowable fee amounts for processing permits issued by the State Water Control Board. The provisions of the Act of Assembly expire July 1, 2004. Because of time constraints in the Act of Assembly, an emergency regulation implementing its provisions was promulgated effective July 1, 2002. Under Virginia's Administrative Process Act, emergency regulations expire 12 months from their effective date. Therefore, the proposed regulatory action is intended to replace the emergency regulation with a permanent regulation.

A Notice of Intended Regulatory Action was published on July 1, 2002 and a public meeting was held on July 31, 2002. A Technical Advisory Committee (TAC) composed of relevant stakeholders was formed to assist the staff in the development of the draft regulation. A copy of the TAC membership list is attached. The TAC met one time on September 18, 2002.

Proposed amendments to the existing emergency regulation include 1) changes to the definitions for Virginia Water Protection (VWP) Permit Project categories to reflect the current definitions for such projects, 2) recognition that there is no permit fee for VWP Permits for projects impacting less than one tenth of an acre, and 3) addition of fee schedules that will become effective after the provisions of the Act of Assembly expire on July 1, 2004.

ITEM: Amendments to 9 VAC 25-196-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Cooling Water Discharges

On December 15, 1997, the Board adopted the General VPDES Permit Regulation for Cooling Water Discharges which allowed the issuance of the general permit effective March 1, 1998. This general permit will expire March 1, 2003. In order to provide continued coverage for permittees, another general permit must be in effect by March 1, 2003.

The Notice of Intended Regulatory Action was published in the Virginia Register on September 10, 2001, and a 30-day public comment period was provided. A technical advisory committee was formed, and meetings were held on 1/25/02 and 2/21/02.

Major changes to the draft permit regulation include the following:

- 1) To maintain consistency with the Board's other VPDES general permit regulations, the information required for registration under the general permit regulation was stipulated, and the format of the registration statement was removed from the regulation.
- 2) Chloramines are a common chemical used for disinfection of drinking water. Ammonia is a by-product of chloramine use. Therefore, a chloramine monitoring requirement for discharges where the source of cooling water contains chloramines was added to the general permit regulation

ITEM: Amendments to 9 VAC 25-120-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests

On December 15, 1997, the Board adopted the General VPDES Permit Regulation for Cooling Water Discharges which allowed the issuance of the general permit effective February 24, 1998. This general permit will expire February 24, 2003. In order to provide continued coverage for permittees, another general permit must be in effect by February 24, 2003.

The Notice of Intended Regulatory Action was published in the Virginia Register on August 27, 2001, and a 30-day public comment period was provided. A technical advisory committee was formed, and meetings were held on 12/14/01, 1/23/02, 2/20/02, and 3/22/02.

Major changes to the draft permit regulation include the following:

- 1) To maintain consistency with the Board's other VPDES general permit regulations, the information required for registration under the general permit regulation was stipulated, and the format of the registration statement was removed from the regulation.
- 2) Based on the recommendation of the technical advisory committee, the general permit regulation was expanded to also cover discharge of hydrostatic test waters. Effluent limitations and monitoring requirements were incorporated into the general permit regulation.
- 3) Effluent limitations for methyl tert-butyl ether were developed and incorporated into the general permit regulation. The limitations replace a monitoring-only requirement in the existing general permit regulation.

ITEM: Development of Virginia's FY 2003 Wastewater Revolving Loan Funding List and Modifications to the MHI Bracketing Structure based on 2000 Census data

Title VI of the Clean Water Act requires the yearly submission of a priority funding list and an Intended Use Plan in conjunction with Virginia's Wastewater Revolving Fund Federal Capitalization Grant application. Section 62.1-229

of Chapter 22, Code of Virginia, authorizes the Board to establish to whom loans are made, loan amounts, and repayment terms. In an effort to begin the process, the Board needs to consider its FY 2003 loan requests, tentatively adopt a FY 2003 loan funding list based on anticipated funding, and authorize the staff to receive public comments.

On June 3, 2002, the staff solicited applications from the Commonwealth's localities and wastewater authorities. The staff also prepared a special application solicitation mailing to prospective Brownfield remediation clientele. July 19, 2002 was established as the cut-off date for receiving applications. Based on this solicitation, the Board received a total of seventeen (17) new wastewater improvement applications requesting a total of \$104,565,645 in loan assistance and one (1) Brownfield remediation application [for \$400,000] in response to the Board's recent loan program eligibility expansion.

The staff believes that sufficient funds will be available to meet this year's loan demand through its direct loan program. While the actual amount and the timing of some of these funds remains uncertain at this time, the staff believes it is prudent to move forward with the development of Virginia's proposed FY 2003 wastewater revolving loan funding list and the submission of the State's grant request to EPA. Also, it appears that all FY 2003 proposals are related to water quality improvement and can move to the construction stage in 2003; therefore, no request is slated to be deferred. The Brownfield remediation project could also be funded from the goal oriented set-aside created to allow consideration of Brownfield remediation project requests.

Virginia uses a Median Household Income (MHI) bracketing structure to establish a "reasonable and affordable" sewer charge per household which is set as a percent of the localities' MHI. The recommended loan recipient's interest rate is geared to achieve what is deemed a "reasonable and affordable" sewer rate for the residential users of the project. Periodically, the staff attempts to update the bracketing structure to keep pace with inflationary factors and the rise in income levels across the Commonwealth. To correct the bracketing structure to maintain the previous balance of 60% of Virginia's localities in the two middle brackets and 20% in both economically depressed and more affluent categories, the staff is proposing income adjustments to the loan program's MHI brackets.